

REMARKS

Claims 1, 4, 6-10, 13 and 15-19 are presented for examination, of which Claims 1, 10 and 19 are in independent form. Claims 1, 4, 10, 13 and 19 have been amended as to matters of form only; no change in scope is either intended or believed effected by these changes.

An Request for Suspension of Action Under 37 C.F.R. §1.103(c) is being filed concurrently herewith.

In the November 8, 2007 Office Action, Claims 1, 4, 6-10, 13 and 15-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,168,003 (Lazano et al.). Applicant respectfully traverses this rejection.

Claim 1 is directed to an information processing apparatus that has multiple control programs for performing processing corresponding to printer functions. The apparatus includes: (1) a first obtaining unit configured to obtain, from a first print control module, version information on a version of the first print control module and printer type information on a printer type supported by the first print control module; (2) a second obtaining unit configured to obtain, from a second print control module, version information on a version of the second print control module and printer type information on a printer type supported by the second print control module; (3) a recording unit configured to, if the printer type information obtained by said first and second obtaining units are identical to each other, record the version information on a newer one of the versions of the first and second control modules in correspondence with the printer type information as correspondence information; (4) a recognition unit configured to recognize printer type information on a printer type of a certain printer; (5) a selection unit configured to select the version information recorded in correspondence with the printer type

information recognized by the recognition unit by referring to the correspondence information recorded by the recording unit; and (6) an execution unit configured to execute one of the first and second print control modules for the version information selected by the selection unit.

Among other notable features of Claim 1 are: (1) a recording unit configured to, if the printer type information obtained by the first and second obtaining units is identical to each other, record the version information on a newer one of the versions of the first and second control modules in correspondence with the printer type information as correspondence information; (2) a selection unit configured to select the version information recorded in correspondence with the printer type information recognized by the recognition unit by referring to the correspondence information recorded by the recording unit; and (3) an execution unit configured to execute one of the first and second print control modules for the version information selected by the selection unit. By virtue of the features recited in Claim 1, the newest version of a printer module (printer driver), among a plurality of versions, is selectively executed for a printer connected to the computer. The other versions, i.e., older versions, are not affected by the installation or execution of the newest version.

Lozano relates to a method for testing peripherals (and their drivers) of a client computer, including determining what version of operating system is running on the client computer, conducting a test of any spooler that is provided with the operating system to support the spooling of data for printer peripherals and identifying all of the various printers that have been attached to the computer. The user selects which of the identified printers are to be tested and, optionally, to have their drivers replaced or updated if appropriate. Lozano discusses that the selected printers are tested and the test results, including any problems with the printer driver,

are provided to the user, who is then given an option to repair or upgrade the driver. However, Applicant has found nothing in Lozano that would teach or suggest at least “a recording unit configured to, if the printer type information obtained by said first and second obtaining units are identical to each other, record the version information on a newer one of the versions of the first and second control modules in correspondence with the printer type information as correspondence information,” “a selection unit configured to select the version information recorded in correspondence with the printer type information recognized by said recognition unit by referring to the correspondence information recorded by said recording unit” or “an execution unit configured to execute one of the first and second print control modules for the version information selected by said selection unit,” as recited in Claim 1.

The Office Action cites paragraph [0085] of Lazano as disclosing the recording unit of Claim 1. Applicant respectfully disagrees. That paragraph merely discusses that, during the printer driver test for a selected printer, the date of the data file associated with the installed driver is compared to dates of drivers for the selected printer model that have been obtained from the vender’s server database. If it is determined that the installed driver is current, then this fact is reported to the user. If it is determined that the installed driver is out of date, the user is offered an option to update to a newer driver. Paragraph [0086] discusses that the user may initiate the installation of a new driver by click of a button. Presumably, when a printer driver is installed, existing programs for the printer are upgraded, or replaced by the installed printer driver. However, Lozano is silent as to what processing is performed when a new version is found in the server. Applicant has found nothing in paragraph [0085], or anywhere else in Lozano, that teaches or suggests “a recording unit configured to, if the printer type information

obtained by said first and second obtaining units are identical to each other, record the version information on a newer one of the versions of the first and second control modules in correspondence with the printer type information as correspondence information,” as recited in Claim 1.

The Office Action cites paragraph [0042] of Lozano as disclosing the selection unit of Claim 1. Applicant respectfully disagrees. That paragraph merely discusses, among other things, that a list of printers is presented to the user, and the user is asked to identify which printer(s) are to be diagnosed and, optionally, to have their drivers replaced or updated. However, Applicant has found nothing in that paragraph, or anywhere else in Lozano, that would teach or suggest “a selection unit configured to select the version information recorded in correspondence with the printer type information recognized by said recognition unit by referring to the correspondence information recorded by said recording unit,” as recited in Claim 1.

The Office Action cites paragraph [0043] of Lozano as disclosing the execution unit of Claim 1. Applicant respectfully disagrees. That paragraph merely discusses, among other things, a solution to the problem of when a printer selected for testing (not its printer driver) has not been properly installed upon the computer. In particular, Lozano discusses that a variation of the program 100 can be designed to download the printer installation instructions and programs, in essence assisting the user through the process of installing the printer and its driver. However, nothing in that paragraph, or anywhere else in Lozano, teaches or suggests “an execution unit configured to execute one of the first and second print control modules for the version information selected by said selection unit,” as recited in Claim 1.

Accordingly, Applicant submits that Claim 1 is not anticipated by Lozano.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 1.

Independent Claims 10 and 19 are method and medium claims, respectively, corresponding to apparatus Claim 1, and are believed to be patentable over the cited prior art for at least the same reasons as discussed above in connection with Claim 1.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present continued application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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